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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,993	07/21/2006	Gunther Oskar Eckert	W1.2227 PCT-US	9031
7590 Douglas R. Hanscom Jones, Tullar & Cooper P.O.Box 2266 Eads Station Arlington, VA 22202			EXAMINER CHEN, YUAN L	
			ART UNIT 2854	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/586,993

Applicant(s)

ECKERT, GUNTHER OSKAR

Examiner

Yuan L. Chen

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 72-123 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 72-123 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

- Group 1 Claims 72 – 73, and 104, drawn to a print press wherein the length and width of two print image locations following each other are different by a **length factor** and a **width factor** as a **function of longitudinal elongation and transverse elongation factor** respectively in a **memory**.
- Group 2 Claims 72 and 74 - 75, drawn to a print press wherein the different positions of the center of two print image locations are arranged in an **axial direction**, and are different from each other as a **function of longitudinal elongation and transverse elongation factor** respectively.
- Group 3 Claims 72, 74 and 105, drawn to a print press wherein the different positions of the center of two print image locations are arranged in an **axial direction**, and the value of **center point of printing group** are in a **memory**.
- Group 4 Claims 72, 74 and 106, drawn to a print press wherein the different positions of the center of two print image locations are arranged in an

axial direction, and the value of **center point of the image locations** are in a **memory**.

- Group 5 Claims 72, and 76, drawn to a print press wherein the length and width of two print image locations are increased by **one of longitudinal elongation factors and transverse elongation factors**.
- Group 6 Claims 72, and 77, drawn to a print press wherein each of longitudinal elongation factors and transverse elongation factors is a **function of one of a mechanical stretching and a dampening**.
- Group 7 Claims 72, and 78, drawn to a print press wherein the longitudinal elongation factors and transverse elongation factors are **variable**.
- Group 8 Claims 72 and 79, drawn to a print press wherein the imprinting material is **a web**.
- Group 9 Claims 72 and 80, drawn to a print press wherein the forme cylinder has **six locations in X direction**.
- Group 10 Claims 72 and 81, drawn to a print press wherein the forme cylinder has **two locations in Y direction**.
- Group 11 Claims 72 and 82, drawn to a print press wherein each printing forme has **one single location**.
- Group 12 Claims 72 and 83, drawn to a print press wherein the forme cylinder has **six formes in X direction**.
- Group 13 Claims 72 and 84, drawn to a print press wherein the forme cylinder has **two formes in Y direction**.

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- Group 14 Claims 72 and 85, drawn to a print press wherein the transferring cylinder transfers **different portions** of the common ink images.
- Group 15 Claims 72 and 86, drawn to a print press wherein the transferring cylinder transfers **different ink color** to the common ink images.
- Group 16 Claims 72 and 87, drawn to a print press wherein **4 or more printing groups** use **different ink color**.
- Group 17 Claims 72 and 88, drawn to a print press wherein the transferring cylinder operates as an **offset cylinder**.
- Group 18 Claims 72 and 89, drawn to a print press wherein at least first and second printing groups use **recto verso printing**.
- Group 19 Claims 72 and 90, drawn to a print press wherein the material is conducted through the **roll-off area** of two transferring cylinders.
- Group 20 Claims 72 and 91, drawn to a print press wherein the printing press is designed as a **newspaper printing** press.
- Group 21 Claims 72 and 92, drawn to a print press wherein the **holding device** is **on the forme cylinder**.
- Group 22 Claims 72 and 93, drawn to a print press wherein the **register pin** is aligned at least one printing forme.
- Group 23 Claims 72 and 94, drawn to a print press wherein the **printing forme** is displaced as a **function of the transverse elongation factor**.
- Group 24 Claims 72 and 95, drawn to a print press wherein a controllable **actuator** is adapted to displace the printing forme.

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- Group 25 Claims 72, 96 and 97, drawn to a print press wherein each of the **plurality** of printing formes **is provided with one of holding device and register pin** adapted to a controllable **actuator**.
- Group 26 Claims 72, and 98, drawn to a print press wherein each printing forme is **shiftable in X direction**.
- Group 27 Claims 72 and 99, drawn to a print press wherein at least one of forme cylinders and transfer cylinders is controllable by a **drive mechanism**.
- Group 28 Claims 72 and 100- 101, drawn to a print press wherein the phase relation is controlled as **a function of the longitudinal elongation factor** and is **continuously controlled**.
- Group 29 Claims 72, 100 and 102, drawn to a print press wherein the phase relation is controlled as **a function of the longitudinal elongation factor** is controlled while the **press is operational**.
- Group 30 Claims 72 and 103, drawn to a print press including a **control console**.
- Group 31 Claims 107 - 110, drawn to a method for compensating L/T elongation of a material to be imprinted including step of changing the second length and width by **the length and width factor** respectively and the second center points **with respect to the center point on the first print location, aligning the printing formes in axial direction** and changing the length and width by the **longitudinal and transverse elongation factors**.
- Group 32 Claims 107 - 109 and 111, drawn to a method for compensating L/T elongation of a material to be imprinted including step of changing the

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second length and width by **the length and width factor** respectively and the second center points **with respect to the center point on the first print location, aligning the printing formes in axial direction** and changing the length and **the position of the forme in the forme cylinder**.

Group 33 Claims 107 -109, 115, and 117, drawn to a method for compensating L/T elongation of a material to be imprinted including step of changing the second length and width by **the length and width factor** respectively and the second center points **with respect to the center point on the first print location, aligning the printing formes in axial direction**, changing the location of the first forme when actual value **exceeds a permissible deviation** and determining **the desired value of the forme cylinders**.

Group 34 Claims 107 -109, 115, and 118, drawn to a method for compensating L/T elongation of a material to be imprinted including step of changing the second length and width by **the length and width factor** respectively and the second center points **with respect to the center point on the first print location, aligning the printing formes in axial direction**, changing the location of the first forme when actual value **exceeds a permissible deviation** and determining **the desired value of the forme cylinders and formes**.

Group 35 Claims 107 -109, 115, 119, and 122, drawn to a method for compensating L/T elongation of a material to be imprinted including step of changing the

second length and width by **the length and width factor** respectively and the second center points **with respect to the center point on the first print location, aligning the printing formes in axial direction**, changing the location of the first forme when actual value **exceeds a permissible deviation**, determining **the desired value of the forme cylinders stored in a memory** and providing **the determined values to the image application system**.

Group 36 Claims 107 -109, and 121, drawn to a method for compensating L/T elongation of a material to be imprinted including step of changing the second length and width by **the length and width factor** respectively and the second center points **with respect to the center point on the first print location, aligning the printing formes in axial direction**, and providing images to the forme as a **function of a color tone**.

Group 37 Claims 107 -108, and 113 -114, drawn to a method for compensating L/T elongation of a material to be imprinted including step of changing the second length and width by **the length and width factor** respectively and the second center points **with respect to the center point on the first print location**, and determining the **length and width factors of the first forme as a function of the second forme** and the **desired value**.

Group 38 Claims 107 -108, and 120, drawn to a method for compensating L/T elongation of a material to be imprinted including step of changing the second length and width by **the length and width factor** respectively and

the second center points **with respect to the center point on the first print location**, and supplying **the center point locations to the image application system**.

- Group 39 Claims 107 and 112, drawn to a method for compensating L/T elongation of a material to be imprinted including step of changing the second length and width by **the length and width factor** respectively and determining the length and width factors as a **function of the transverse elongation factor**.
- Group 40 Claims 107 and 116, drawn to a method for compensating L/T elongation of a material to be imprinted including step of changing the second length and width by **the length and width factor** respectively and determining **tones of colors**.
- Group 41 Claims 107 and 123, drawn to a method for compensating L/T elongation of a material to be imprinted including step of changing the second length and width by **the length and width factor** respectively and changing the longitudinal and transverse elongation factors in response to the **moisture and mechanical elongation**.

2. Inventions listed as Group 1 – 41 do not directly relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.1, they lack the same or corresponding special technical features for the following reasons: as shown in the International Search Report and the Written Notification from the International Search Office mailed 04/19/2005, the cited D1 – D3 references establish a lack of unity

a posteriori for all the independent claims (1, 3, 5, 7, 46, 48, and 65 in PCT/EP2005/050261), and the technical features of new Claims 72 (equivalent to the combination of claims 1, 3, 5 and 7 in PCT/EP2005/050261) and 107 (equivalent to the combination of claims 46, 48 and 65 in PCT/EP2005/050261) are not the technical features that define a contribution over prior art.

3. Claim 72 links inventions 1 - 30. Claim 107 links inventions 31 - 41. The restriction requirement among the linked inventions is **subject to** the nonallowance of the linking claims 72, and 107. Upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions **shall** be withdrawn and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104 **Claims that require all the limitations of an allowable linking claim** will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Amendments submitted after final rejection are governed by 37 CFR 1.116; amendments submitted after allowance are governed by 37 CFR 1.312.

Applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, the allowable linking claim, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

4. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election

shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuan L. Chen whose telephone number is 571-270-3799. The examiner can normally be reached on Monday-Friday 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

yc

/Ren L Yan/
Primary Examiner, Art Unit 2854